

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
Martinsburg Division**

**ESTATE OF WAYNE JONES, et al.,
Plaintiff**

v.

**CIVIL ACTION NO.: 3:18-CV-121
Judge Groh**

**THE UNITED STATES DEPARTMENT OF JUSTICE,
Defendant.**

PLAINTIFF'S MOTION FOR DISMISSAL WITHOUT PREJUDICE

Comes now Plaintiff, by counsel, pursuant to Rule 41, Fed. R.Civ.P., and requests the Court dismiss this matter without prejudice.

In support of this motion, Plaintiff says related cases giving rise to the matter sub judice are on appeal before the U.S. Court of Appeals for the Fourth Circuit and the Supreme Court of Appeals of West Virginia. Plaintiff does not believe these related appeals will be resolved in the near future, and Plaintiff does not desire to see the case sub judice remain on the Court's docket while the related appeals are resolved. Depending on the resolution of the appeals, Plaintiff wishes to reserve the right to further pursue the matter sub judice without prejudice because matters relevant to the case sub judice have been made issues in, and are relevant to, the matters on appeal.

Wherefore, for the foregoing reasons, Plaintiff prays the court grant Plaintiff's motion and dismiss this matter without prejudice.

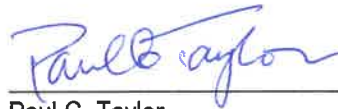
Respectfully submitted,

**ESTATE OF WAYNE A. JONES,
BY ROBERT L. JONES AND BRUCE A. JONES,
ADMINISTRATORS OF THE ESTATE OF WAYNE A. JONES
By counsel**


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CERTIFICATE OF SERVICE

I hereby certify that I filed the foregoing **PLAINTIFF'S MOTION FOR DISMISSAL WITHOUT PREJUDICE** with the Court's ECF system on this 16th day of May, 2019, which will send a copy hereof and notice of filing to all counsel of record registered forthwith including William J. Powell, United States Attorney, by Helen Campbell Altmeyer, P. O. Box 591, Wheeling, WV 26003.



Paul G. Taylor